

JAP:DMP

M 12- 196

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

- against -

VICTOR HUGO GONZALEZ-VILLA,  
also known as  
"Hector Garcia" and  
"Victor Hugo,"

(T. 8, U.S.C.,  
§ 1326(a) and  
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

FABIO ARROYAVE, being duly sworn, deposes and states  
that he is an Deportation Officer with the Department of Homeland  
Security, Immigration and Customs Enforcement, duly appointed  
according to law and acting as such.

On or about February 14, 2012, within the Eastern  
District of New York, the defendant VICTOR HUGO GONZALEZ-VILLA,  
also known as "Hector Garcia" and "Victor Hugo," an alien who had  
previously been deported from the United States after a  
conviction for an aggravated felony, was found in the United  
States, without the Secretary of the Department of Homeland  
Security having expressly consented to such alien's applying for  
admission.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am an Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about February 14, 2012, the defendant VICTOR HUGO GONZALEZ-VILLA, also known as "Hector Garcia" and "Victor Hugo," was arrested by the New York City Police Department ("NYPD"), 114th Precinct, in Queens, New York, and charged with Criminal Possession of Marijuana in the Fifth Degree, in a Public Place, in violation of New York State Penal Law 221.10(01). The defendant used the name "Hector Garcia" in connection with this arrest.

3. The NYPD notified ICE of this arrest. ICE officials ran a criminal history report and found that, on or about December 7, 2005, the defendant had been convicted of,

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

among other crimes, Robbery in the First Degree, Use or Threatened Use of a Dangerous Instrument, in violation of New York State Penal Law 160.15(03), a class B felony, and sentenced to 5 years' imprisonment. The defendant used the name "Victor Hugo" in connection with this arrest and conviction.

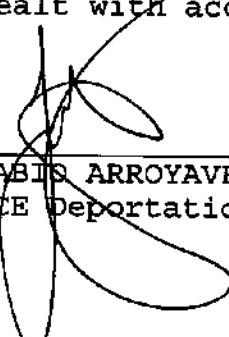
4. ICE officials also determined that, subsequent to this conviction for an aggravated felony, the defendant, a citizen of Mexico, was removed from the United States to Mexico on or about December 20, 2008, pursuant to an order of removal issued on May 17, 2006.

5. An ICE official with fingerprint analysis training compared (1) the fingerprints taken in connection with the arrest underlying the defendant's December 7, 2005 conviction, (2) the fingerprints taken in connection with the defendant's December 20, 2008 removal from the United States, and (3) the fingerprints taken in connection with the defendant's February 14, 2012 arrest, and determined that all three sets of fingerprints were made by the same individual.

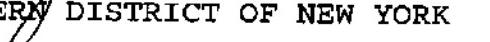
6. A preliminary search of ICE files has revealed that there exists no request by the defendant VICTOR HUGO GONZALEZ-VILLA for permission from the Secretary of the

Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant VICTOR HUGO GONZALEZ-VILLA, also known as "Hector Garcia" and "Victor Hugo," be dealt with according to law.

  
FABIO ARROYAVE  
ICE Deportation Officer

Sworn to before me this  
27th day of February, 2012

  
THE HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK